IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 23074 of 2007(V)

PETITIONER:

C.K.KOYAMMU, SENIOR SUPERINTENDENT (RTD)
P.S.M.O.COLLEGE, RESIDING AT C.K.HOUSE,
VENNIYUR P.O., VALAKULAM, MALAPPURAM DISTRICT.

BY ADV. SRI.K.JAJU BABU

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY SECRETARY
TO GOVERNMENT, HIGHER EDUCATION DEPARTMENT,
GOVT. SECRETARIAT, TRIVANDRUM.

2. THE DIRECTOR OF COLLEGIATE EDUCATION,
TRIVANDRUM.

3. THE DEPUTY DIRECTOR OF COLLEGIATE
EDUCATION, TRIVANDRUM.

BY GOVT. PLEADER SRI. A.J. VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. BASHEER, J.

W.P.(C). NO. 23074 OF 2007

Dated this the 27th day of July, 2007

J U D G M E N T

Petitioner retired from an aided college at Tirurangadi on June 30, 2003 while he was working as Senior Superintendent. According to the petitioner, he joined service in the college as Lab Attender in the year 1968. Thereafter, he was appointed as Lower Division Clerk with effect from July 1, 1970 and was promoted as Upper Division Clerk on June 24, 1975. He got promotion again in the year 1977and was granted Higher Grade in 1987. He was again given a regular promotion as Senior Superintendent with effect from August 20, 1992 while he was drawing basic pay of Rs.1,830/- in the scale of Rs.1370-2660. Petitioner further claims that he was entitled to fixation under Rule 28A Part I KSR at Rs. 1990 on promotion as Senior Superintendent.

2. His grievance is that he was not given the benefit of pay revision of the year 1992. His request in this regard was rejected ultimately by the Government, as revealed from Ext.P4. It appears

that petitioner's successor was in fact given the benefit for which petitioner had been clamouring for, as could be seen from Ext.P5.

3. Learned counsel submits that the stand taken by the Government is a clear instance of hostile discrimination. I do not propose to deal with any of the contentions raised by the petitioner at this stage in view of the limited prayer made by learned counsel for the petitioner at the Bar. He submits that petitioner will be satisfied if an appropriate direction is issued to respondent No.1 to take a decision on Ext.P6 representation submitted by the petitioner, in which he has highlighted all his grievances and the relevant aspects of the issue.

4. Learned Government Pleader submits that as far as Ext.P5 is concerned, it might have been a mistake. He further submits that an appropriate decision will be taken in the matter after considering the entire issue in detail, and if necessary, Ext.P5 order will also be reviewed by the Government.

In the above facts and circumstances, the writ petition is disposed of with a direction to respondent No.1 to consider and pass orders on Ext.P6 strictly on its merit and in accordance with law, as expeditiously as possible, at any rate, within three months from the

date of receipt of a copy of this judgment. Respondent No.1 shall consider under what circumstance Ext.P5 order was issued giving the benefit which the petitioner was denied. The beneficiary of Ext.P5 shall also be afforded sufficient opportunity to be heard, if the Government decides to review the said order. Needless to mention, petitioner shall be given sufficient opportunity to be heard when Ext.P6 is being considered. Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition before respondent No.1 for compliance.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007